

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, July 7, 2020 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: N/A

Board Member Present by Conference Call: Jason Hathcock, Acting Chair; Jennifer Fish; Mark Smalley; Scott Mabery

Board Member Absent: Kevin Kluge

Also Present in Conference Room 109: Vanessa Haney, Board Secretary; Alicia Bocardo, Recorder (conference call); Blanca Moreno, Recorder; Cynthia Kelley, Board Attorney (conference call)

Call to Order:

Approval of the Minutes:

June 2, 2020 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the June 2, 2020 meeting was made by Mark Smalley. The motion was seconded and passed; minutes stand approved. **CORP 2020-33**

Approval of Normal Retirement Benefits:

There were five applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts effective July 1, 2020 unless otherwise noted was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2020-34**

Amy Barnes	\$2,753.87
Michael Cini	\$2,843.33
Stacey Grant	\$2,803.12; effective June 1, 2020
Dominic Siath	\$2,764.34
Hector Zuniga	\$2,122.09

Decision on Notice of Retiree Return to Work:

A. Patricia McDonagh-Konecki

The Board received a Notice of Retiree Return to Work from Maricopa County for Patricia McDonagh-Konecki. The form indicated that Ms. McDonagh-Konecki retired from the Maricopa County Adult Probation Department effective April 1, 2015. Ms. McDonagh-Konecki returned to work for the Maricopa County Superior Court on June 15, 2020 as a Background Investigator, which is a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. McDonagh-Konecki's current job description.

MOTION: A motion was made by Mark Smalley that: (1) Ms. Patricia McDonagh-Konecki is eligible to continue to receive a CORP pension; (2) Maricopa County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. **CORP 2020-35**

B. Vicki Biro

The Board received a Notice of Retiree Return to Work from Maricopa County for Vicki Biro. The form indicated that Ms. Biro retired from the Maricopa County Superior Court effective February 27, 2010. Ms. Biro returned to work for the Maricopa County Superior Court on May 4, 2020 as a Special Projects Manager, which is a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Biro's current job description.

MOTION: A motion was made by Scott Mabery that: (1) Ms. Vicki Biro is eligible to continue to receive a CORP pension; (2) Maricopa County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. **CORP 2020-36**

C. Lynne Carpenter

The Board received a Notice of Retiree Return to Work from Maricopa County for Lynne Carpenter. The form indicated that Ms. Carpenter retired from the Maricopa County Superior Court effective May 21, 2016. Ms. Carpenter returned to work for the Maricopa County Superior Court on April 6, 2019 as a temporary work crew leader, which is a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Carpenter's current job description.

MOTION: A motion was made by Mark Smalley that: (1) Ms. Lynne Carpenter is eligible to continue to receive a CORP pension; (2) Maricopa County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. **CORP 2020-37**

D. Elena Negrete

The Board received a Notice of Retiree Return to Work from Maricopa County for Elena Negrete. The form indicated that Ms. Negrete retired from the Maricopa County Judicial Branch effective

April 18, 2020. Ms. Negrete returned to work for the Maricopa County Superior Court on May 4, 2020 as a case administrator, which is a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Negrete's current job description.

MOTION: A motion was made by Scott Mabery that: (1) Ms. Elena Negrete is eligible to continue to receive a CORP pension; (2) Maricopa County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously.
CORP 2020-38

Acknowledgement of CORP Physical Exam Final Letters

Physical examination reports have not been received for the members listed below. Certified letters were sent to the members regarding non-receipt of the CORP physical examinations within 60 days of receipt of the membership forms.

<u>Name</u>	<u>Date Letter Sent</u>
Brigette Koirif	April 16, 2020
Daniela Hernandez	May 7, 2020
Jose Romero Talamante	April 15, 2020

A.R.S. § 38-884.B provides in part: "Any employee who fails or refuses to submit to the medical examination prescribed in this section is deemed to waive all rights to disability benefits under this article."

The Acting Chair noted for the record that the physical examination reports for Brigette Koirif, Jose Romero Talamante and Daniela Hernandez were not received within 60 days of receipt of their membership applications and that final letters requesting the examinations were sent via certified mail.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Anglin, Irv	Maricopa	05/10/2020
Anyanwu, Christopher	Maricopa	05/18/2020
Barkemeyer, Richmond	Yavapai	05/26/2020
Barkuei, Amekjang	Maricopa	06/14/2020
Brooks, Jeremy	Maricopa	06/07/2020
Brown, Robert	Pima	05/31/2020
Cepfers, Taylor	Pima	05/30/2020
Contreras Gonzalez, Carlos	Yuma	10/21/2019
Debellis, Robert	Maricopa	05/10/2020
Despot, Dusan	Maricopa	04/05/2020
Douglas, Erica	Pinal	10/07/2019
Frazier, Donyelle	Maricopa	05/18/2020
Janke, Aaron	Coconino	05/24/2020

Hernandez, Daniela	Santa Cruz	04/24/2020
Jaramillo, Brittany	Maricopa	05/10/2020
Jurado, Sonya	Mohave	05/31/2020
Koirif, Brigitte	Pima	05/10/2020
Lara, Juan	Yuma	06/07/2020
Lazar, George	Maricopa	07/15/2019
Lerma, Andrew	Yuma	06/07/2020
Quinones, Joe	Yuma	12/02/2019
Ramirez, Yahaira	Pima	03/29/2020
Reynoso, David	Yuma	12/29/2019
Riles, Vanessa	Pinal	04/12/2020
Robles, Laura	Maricopa	05/18/2020
Rodriguez, Lucia	Yuma	06/14/2020
Romero Talamante, Jose	Pima	05/10/2020
Roorda, Jason	Mohave	05/31/2020
Rueda, Mario	Pima	05/31/2020
Stein, Canoa	Pima	05/10/2020
Taegar, Melissa	Maricopa	05/10/2020
Winsett, Brittany	Pima	06/14/2020
Zamora, Ezequiel	Yuma	10/28/2019
Zanders, Cheryl	Maricopa	06/07/2020

MOTION: A motion to approve the 34 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Irv Anglin, Christopher Anyanwu, Robert Brown, Dusan Despot, Donyelle Frazier, George Lazar, Yahaira Ramirez and Vanessa Riles identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2020-39**

Approval of Survivor Benefits:

An application for a survivor benefit was submitted for the Board's approval pursuant to A.R.S. §38-887.

Member: Stephen Chatman (Active Member, deceased March 30, 2020)

Benefit Payable to Spouse Roshanda Mitchell-Chatman beginning April 30, 2020: \$4,023.18

The Local Board Secretary informed the Board that Mr. Chatman passed away March 30, 2020. She stated that Mr. Chatman is believed to be the first Maricopa County patient that contracted the COVID-19 virus. The Local Board Secretary advised that the Board Attorney Cynthia Kelley was available on the conference call for guidance for the survivor benefits as indicated "in the line of duty."

The Board Attorney advised the Board of the different factors involved with approving a killed in the line of duty benefit including: whether the virus was contracted at the work place or if there were any attributing underlying conditions. The Board Attorney inquired if the family or relatives had any information to provide that would give insight to the Board. She indicated that without more information she could not advise on the subject.

Board member Jennifer Fish stated that as Human Resources Director for Maricopa County she was able to detail the following: Mr. Chatman was the first employee in the Maricopa County Judicial Branch to test positive for COVID-19, youth in juvenile detention did not test positive for the virus until July, and at the time no other co-workers near Mr. Chatman had tested positive.

The Board Attorney advised that it was at the Board's discretion whether to approve or deny the application based on the information provided.

Board member Scott Mabery inquired if the Board could approve the survivor benefits as a normal survivor benefits at 40% instead of killed in the line of duty at 100%

The Acting chair asked the Local Board Secretary if she could easily access the amount as a normal survivor benefit. The Local Board Secretary responded that she would have to recalculate the amount.

The Acting Chair asked the Board Attorney if there would be any implications if the Board were to approve the survivor benefits at this meeting without the benefit amount. The Board Attorney replied that there should not be any repercussion with approving the benefit without the amount.

MOTION: A motion to approve the payment of a normal survivor benefit to the following applicant was made by Scott Mabery. The motion was seconded and passed unanimously.
CORP 2020-40

Member: Stephen Chatman (Active Member, deceased March 30, 2020)
Benefit Payable to Spouse Roshanda Mitchell-Chatman beginning April 30, 2020.

Consideration of Disability Application

#20-01, Julie Anderson – Public Safety Request for Accidental Disability Qualification

The Board approved Application #20-01 for Accidental Disability benefits from Julie Anderson on June 2, 2020.

The Public Safety Personnel Retirement System has requested that the Board review the criteria for Accidental Disability and note for the record that the injury incurred by Ms. Anderson meets that criteria.

The criteria for Accidental Disability benefits per A.R.S. §38.881 are: "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's department and was incurred in the performance of the employee's duties."

A copy of A.R.S. §38-886 governing Local Board consideration of applications for Accidental Disability was included for reference purposes.

Maricopa County policy 1.301 on State, County, and Privately-Owned Vehicles states:

"Going In-Service While Operating A Vehicle: A. State and County Vehicles: Officers shall immediately notify the APD Communications Center via the radio that they are "on duty" upon beginning use of the vehicle regardless of their starting point, and provide their starting location, destination, time of arrival and time of departure from each stop."

A copy of the policy was included for reference purposes.

The incident report dated August 28, 2019 indicated that Ms. Anderson was on her regular job at the time of the event. A copy of this report was provided for reference purposes.

The Acting Chair asked the Board if they recollected discussing Ms. Anderson's work status at the time of the accident. Board members Mark Smalley and Jennifer Fish both replied that they did not recall a discussion detailing the applicant's criteria of "on the job."

The Acting Chair responded that it was clear from the meeting material that the applicant was actively on duty in a state/county issued vehicle when the accident occurred.

The Acting Chair noted for the record that the Board has discussed the criteria for Accidental Disability and that the injury incurred by Ms. Anderson meets that criteria.

The Local Board Secretary stated another item to be discussed about Ms. Anderson's application. The Independent Medical Evaluation provided to the Board and PSPRS noted that the applicant was filling in for a co-worker. The Local Board Secretary informed the Board that according to Ms. Anderson that information was incorrect. The applicant explained that she was in route to meet her co-worker. Board member Mark Smalley agreed and stated it was his understanding that Ms. Anderson was driving to meet her co-worker.

Future Agenda Items:

The Local Board Secretary informed the Board that an ordinary disability application may be placed on the August 4, 2020 agenda depending on the date the medical records and application are received from the member.

The Acting Chair advised the Board that Maricopa County Adult Probation is currently considering policy changes including the criteria for what is considered "on duty" in a county or state vehicle which would directly affect cases like Ms. Anderson's in the future.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:54 a.m.

Transcribed July 6, 2020.